

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DANIEL CONTRERAS,  
Plaintiff,  
v.  
DEPUTY HART, et al.,  
Defendants.

Case No. 18-cv-04048-HSG (PR)

**ORDER OF DISMISSAL**

On July 6, 2018, plaintiff, an inmate at the San Mateo County Jail's Maguire Correctional Facility, filed this *pro se* civil rights action under 42 U.S.C. § 1983. On October 29, 2018, the Court reviewed the complaint and dismissed it with leave to amend to cure several specific deficiencies. Plaintiff has filed an amended complaint.

The amended complaint fails to cure the deficiencies identified in the Court's October 29, 2018 order of dismissal with leave to amend. Specifically, plaintiff's claim that he was forced to take his thirty minutes of recreation time in waist shackles for five consecutive days does not allege a deprivation of such magnitude that would constitute unconstitutional conditions of confinement. Nor does he allege that he was hindered from pursuing a non-frivolous claim as required to show denial of access to courts. The amended complaint contains many conclusions but no additional facts to allege the essential elements of a Section 1983 claim.

Accordingly, this case is **DISMISSED** because the amended complaint fails to state a cognizable claim for relief. Further leave to amend will not be granted because the Court already


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has explained to plaintiff the specific deficiencies in his pleading, and he has been unable or unwilling to correct them.

The Clerk shall enter judgment and close the file.

**IT IS SO ORDERED.**

Dated: 1/31/2019

  
HAYWOOD S. GILLIAM, JR.  
United States District Judge